IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 2023 OF 2006

Date of decision : September 7, 2006

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Trilok Chand .....Petitioner

Vs.

State of Haryana & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Adarsh Jain, Advocate for the petitioner(s).
Mr. J.S Hooda, Advocate for respondents no. 2 & 3.

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Viney Mittal, J. (Oral)

The petitioner has approached this Court for challenging the communication/order dated June 9, 2004 (Annexure P-4) whereby the Market Committee, Palwal-respondent no.3 has declined to grant licence to the petitioner on an application made by him.

The claim of the petitioner has been contested by respondents no 2 & 3. In the written statement filed by the respondents, it has been maintained that the petitioner is not eligible inasmuch even booth No.149, New Grain Market, Palwal is not owned by the petitioner since the same stands in the name of one Johri Mal. According to the respondents, since the No Objection Certificate from the original owner etc. has not been produced, therefore, the claim of the petitioner cannot be considered.

Sh. Adarsh Jain, learned counsel appearing for the petitioner has contended that Johri Mal was the father of the petitioner, who had since

died and after the death of Johri Mal, on account of a family settlement, a Civil Court decree was passed in favour of the petitioner on March 1, 2000. Sh. Jain has also brought to our notice that the aforesaid Civil Court decree had been registered on March 27, 2000. Learned counsel also maintains that the ground taken by the respondents to reject the claim of the petitioner is totally unjustified and even factually not sustainable.

In view of the stand taken by the petitioner, we dispose of the present petition with a liberty to the petitioner to approach the Market Committee, Palwal. If the petitioner so approaches the Market Committee, Palwal along with all the requisite documents and applies in a prescribed manner within a period of 4 weeks from the date of receipt of a certified copy of this order, then the claim of the petitioner shall be reconsidered within a further period of three months, by the Market Committee, Palwal in accordance with law, without being influenced by the earlier rejection order.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 7, 2006
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(H.S BHALLA)
JUDGE